

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 7
Deborah Manin Rosen, :
Debtor. : Bankruptcy No. 19-17160-MDC

ORDER

AND NOW, on November 27, 2019, Terry P. Dershaw, Esquire, as Chapter 7 trustee (the “Trustee”) of the estate of Craig B. Rosen (the “Mr. Rosen”), filed the Motion of Terry P. Dershaw, Chapter 7 Trustee for the Estate of Craig Rosen for Relief from the Automatic Stay Under Section 362 (the “Stay Relief Motion”),¹ by which the Trustee seeks relief from the automatic stay imposed by 11 U.S.C. §362 to proceed with a sale (the “Proposed Sale”) of the personal property (the “Property”) of Deborah M. Rosen (the “Debtor”) by auction, for purposes of satisfying a judgment entered against the Debtor and Mr. Rosen in Adversary Proceeding Case No. 15-00526-MDC (the “Adversary Proceeding”).

AND, on January 3, 2020, Deborah M. Rosen filed the Answer and Affirmative Defenses of Debtor to Motion of Terry P. Dershaw, Chapter 7 Trustee for the Estate of Craig Rosen for Relief from the Automatic Stay Under Section 362 (the “Objection”).²

AND, on January 8, 2020, the Court held a hearing (the “Hearing”) on the Stay Relief Motion, the Objection, and all other responses to the Stay Relief Motion (the “Responses”).³

AND, the Court has entered an Order (the “Auctioneer Order”) in the Adversary

¹ Bankr. Docket No. 12.

² Bankr. Docket No. 31.

³ See Bankr. Docket No. 30, Response of Bayview Loan Servicing, LLC as Servicer for The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of Cwalt, Inc., Alternative Loan Trust 2005-25T1, Mortgage Pass-Through Certificates, Series 2005-25T1 to Chapter 7 Trustee’s Motion for Relief from the Automatic Stay; Bankr. Docket No. 37, Response of FirstTrust Bank to Motion of Terry P. Dershaw, Chapter 7 Trustee for the Estate of Craig Rosen for Relief from the Automatic Stay.

Proceeding, authorizing the Trustee to employ an auctioneer (the “Auctioneer”) to value the items located at the Debtor and Mr. Rosen’s residence located at 1420 Centennial Road, Penn Valley, PA 19072 (the “Residence”).

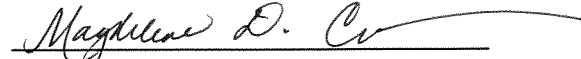
AND NOW, upon consideration of the Stay Relief Motion, the Objection, the Responses, and the arguments of counsel at the Hearing, it is hereby **ORDERED** that:

1. The Objection is **OVERRULED**.
2. The Stay Relief Motion is **GRANTED** as provided herein.
3. Consistent with the Auctioneer Order, the Auctioneer is permitted to enter the Residence for purposes of valuing and establishing a method of sale of the items listed in the Inventory of Contents of Debtor’s Residence,⁴ including the Debtor’s Property at the Residence (the “Valuation”).
4. The Debtor and Mr. Rosen shall permit the Auctioneer access to the Property at the Residence at a date and time mutually agreed upon with the Trustee for purposes of the Valuation, but such date shall in no event be later than thirty days from the date of this Order.
5. Neither the Debtor, Mr. Rosen, nor any person acting for or on their behalf, shall take any action to diminish the value of the items listed in the Inventory of Contents of Debtor’s Residence or remove such items from the Residence.
6. Firsttrust Bank and Bayview Loan Servicing, LLC shall each be given adequate notice of and may attend the Valuation solely for purposes of asserting whether they assert a lien superior to the Trustee’s on any Property. The Chapter 7 trustee of the Debtor’s estate may also attend the Valuation.

⁴ Adv. Pro. Docket No. 144.

7. A sale of the Debtor's Property shall be scheduled for a date to be determined, upon application by the Trustee.

Dated: January 21, 2020


MAGDELINE D. COLEMAN
CHIEF UNITED STATES BANKRUPTCY JUDGE

Mark R. Cuker, Esquire
Christopher Markos, Esquire
Sarah T. Hansel, Esquire
Williams Cuker Berezofsky
1515 Market Street, Suite 1300
Philadelphia, PA 19102

Andrew N. Schwartz
Law Office of Andrew N. Schwartz
1900 Spruce Street
Philadelphia, PA 19103

Harry J. Giacometti, Esquire
Damien N. Tancredi, Esquire
Flaster/Greenberg, PC
1835 Market Street, Suite 1050
Philadelphia, PA 19103

Gary F. Seitz, Esquire
Gellert Scali Busenkell & Brown LLC
8 Penn Center
1628 John F. Kennedy Blvd
Suite 1901
Philadelphia, PA 19103

United States Trustee
Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106

Rebecca A Solarz, Esquire
Kevin G. McDonald, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532

Peter E. Meltzer, Esquire
Weber Gallagher Simpson Stapleton Fires & Newby LLP
2000 Market Street, 13th Floor
Philadelphia, PA 19103

Gary F. Seitz, Esquire
Holly E. Smith, Esquire
Gellert Scali Busenkell & Brown LLC
8 Penn Center
1628 John F. Kennedy Boulevard, Suite 1901
Philadelphia, PA 19103

Michael G. Busenkell, Esquire
Shannon D. Humiston, Esquire
Gellert Scali Busenkell & Brown LLC
1201 N. Orange Street, Suite 300
Wilmington, DE 19801